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Application No.: 09/862,391
Filing Date: May 21, 2001
Inventor(s): James R. Milne *et al.*
Group Art Unit: 2614
Examiner: Yenke, Brian P.

From: 
Martin R. Bader, Reg. No. 54,736

Today's Date: January 30, 2006
Attorney Docket No.: 73510/7114
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	Filing Date	May 21, 2001	
	First Named Inventor	James R. Milne et al.	
	Art Unit	2614	
	Examiner Name	Yenke, Brian P.	
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Attorney Docket No. 73510/7114


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): MILNE et al.
Serial No.: 09/862,391
Filed: 05/21/2001
For: MODULAR DIGITAL
TELEVISION
ARCHITECTURE
Group Art
Unit: 2614
Examiner: Yenke, Brian P.
Customer No.: 37123
Conf. No.: 8905

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01/30/2006
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Martin R. Bader
Reg. No. 54,736

Attorney for Applicants

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop: APPEAL BRIEF - PATENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellant submits this appeal brief under 37
C.F.R. § 41.37 appealing the final rejection of Claims 1-13
in the office action mailed September 27, 2005.

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App. No. 09/862,391
Appeal Brief
Page 2

(1) Real Party in Interest

The real parties in interest in the subject application are Sony Electronic Inc. and Sony Corporation.

(2) Related Appeals and Interferences

No related appeals or interferences are known to Appellant.

(3) Status of Claims

Claims 1-13 were submitted for examination in the application filed on May 21, 2000.

Claim 11 was amended.

Claims 1-13 are pending.

Claims 1-13 are appealed.

Claims 9 and 11-12 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,227,863 (*Bilbrey et al.*).

Claims 1-3, 5-8, 10 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,227,863 (*Bilbrey et al.*) in view of U.S. Patent No. 6,072,994 (*Phillips et al.*).

Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,227,863 (*Bilbrey*

App. No. 09/862,391
Appeal Brief
Page 3

et al.) in view of U.S. Patent No. 6,072,994 (Phillips et al.) and further in view of U.S. Patent Application No. 2002/0016873 (Gray et al.).

(4) Status of Amendments

No amendments have been filed subsequent to the final rejection.

(5) Summary of Claimed Subject Matter

Independent claim 1 recites a digital television architecture. The architecture includes a processing chassis 12 that converts an analog input signal into at least a first digital signal for use in providing information to be provided to a user. The processing chassis 12 includes a dedicated power source 21 and processing element. Also included is a presentation chassis 14 operative to convert audio and visual components of the at least first digital signal into a final signal for presentation on a display 100. The audio and visual conversion is performed in a first domain. Additionally, the presentation device chassis 14 is separate from the processing chassis 12 and includes a dedicated power source of the presentation chassis being different from the power source 84. The architecture additionally includes an interface 16 operative to provide a communication path between the processing chassis 12 and the presentation chassis 14.

Independent claim 9 is directed to a modular television architecture. The architecture includes a

App. No. 09/862,391
Appeal Brief
Page 4

processing module 12 including circuitry operative to convert an input signal from a first type into at least a second type, the conversion being performed in the digital domain. Additionally, the architecture includes a presentation module 14 that converts audio and visual information contained within the at least second signal into a final signal for presentation on a display device 100. The audio and visual conversation is performed in a first domain. The presentation module 14 is separate from and operates independently of the processing module 12. The architecture also includes an interface 16 operative to provide a communication path between the processing module 12 and the presentation module 14.

Independent claim 11 is directed to a television system that includes a processing module 12 for providing signals that represent information to be provided on a suitable display device 100. The system also includes a presentation module 14 that includes decoding and filtering elements, operative to process the signals provided by the processing module 12 and display the images represented thereby on the display device 100. The presentation module 14 is separate from and operates independently of the processing module 12. The system also includes an interface module 16 for coupling the processing module 12 and the presentation module 14 together. The processing and presentation modules operate independently from one

App. No. 09/862,391
Appeal Brief
Page 5

another and the processing performed by the processing module is performed in the digital domain.

Dependent claims 5, 10 and 13 recite that the processing module/chassis includes a power source 21 and a format converter and the presentation module further includes a power source 84, wherein the power source of the processing module is independent of the power source of the presentation module.

(6) Grounds of Rejection to be Reviewed

The following issues are presented for review:

Issue 1: whether claims 9 and 11-12 are anticipated by U.S. Patent No. 5,227,863 (*Bilbrey et al.*);

Issue 2: whether claims 1-3 and 6-8 are patentable over U.S. Patent No. 5,227,863 (*Bilbrey et al.*) in view of U.S. Patent No. 6,072,994 (*Phillips et al.*);

Issue 3: whether claims 5, 10 and 13 are patentable over U.S. Patent No. 5,227,863 (*Bilbrey et al.*) in view of U.S. Patent No. 6,072,994 (*Phillips et al.*); and

Issue 4: whether claim 4 is patentable over U.S. Patent No. 5,227,863 (*Bilbrey et al.*) in view of U.S. Patent No. 6,072,994 (*Phillips et al.*) and further in view of U.S. Patent Application No. 2002/0016873 (*Gray et al.*).

App. No. 09/862,391
Appeal Brief
Page 6

(7) Argument

Appellant submits that the claims of Group I, II, and III stand or fall separately from any of the claims from each of the other groups. Appellant argues below under separate issues why the claims of the each group are believed to be separately patentable. As referred to herein the claims are divided into the following groups:

Group I: claims 9 and 11-12;

Group II: claims 1-4 and 6-8; and

Group III: claims 5, 10 and 13.

Issue 1: claims 9 and 11-12 (Group I) are not anticipated by *Bilbrey et al.*

The final rejection errs in stating that claims 9 and 11-12 (Group I) are anticipated by *Bilbrey et al.*

M.P.E.P. § 2131 states that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Bilbrey et al. disclose a programmable digital video processing system for processing of video signals from multiple sources converted into a digital format. The system includes a video system module 20 coupled to a memory module 30 and an input module 40 as well as to a display device 42. In the illustrated embodiment of Fig. 1, the video system module 20 comprises a central mother board on which the optional daughter board memory module 30 may be mounted and in which an optional daughter board

App. No. 09/862,391
Appeal Brief
Page 7

input module may be mounted. Alternatively, other configurations may be used, for example, the video processor 20, memory module 30, and input module 40 may comprise a single circuit board. The system is configured to fit into a conventional NuBus slot of a host microcomputer via a NuBus connector 28. In all of the embodiments, the entire system is coupled to a single mother board that fits into a NuBus slot of a host microcomputer (See *Bilbrey et al.* Column 4, lines 7-9).

In contrast, Applicant's claim 9 recites a processing module and a presentation module, "the presentation module being separate from and operating independently of the processing module." Advantageously, as described in Applicant's specification, having a separate processing module and presentation module, in some embodiments, can allow a family of digital televisions to be created through interchanging various combinations of processing and presentation modules with a global interface. The system of *Bilbrey et al.* does not teach, suggest or contemplate such a separate modular design.

The Examiner has stated that the processing module is met by A/D block 70 of Fig. 1 and that the presentation chassis is met by the video system controller 22/display 52 of Fig. 1. However, the Examiner has not shown, and *Bilbrey et al.* does not teach or suggest that the A/D block 70 is "separate from and operates independently of" the video system controller 22/display 52. In contrast, as described above, the A/D block 70 and

App. No. 09/862,391
Appeal Brief
Page 8

the video system controller 22 are implemented in order to fit into a conventional NuBus slot of a host microcomputer via a NuBus connector 28. The system of *Bilbrey et al.* is designed as a single system that fits into a NuBus slot of a computer. The system of *Bilbrey et al.* is not the modular television architecture as recited in claim 9, but is a cohesive digital video image processing system designed for a single NuBus slot of a computer.

Therefore, *Bilbrey et al.* does not teach or suggest a processing module and a presentation module, "the presentation module being separate from and operating independently of the processing module," such as is claimed by Applicant. Further, the various advantageous of Applicant's claimed architecture are not contemplated or viable in the system described by *Bilbrey et al.* Thus, Applicant respectfully submits that *Bilbrey et al.* does not anticipate claim 9 as *Bilbrey et al.* does not teach each and every element of claim 9.

Thus, the final errs in maintaining the rejection of claim 9 under 35 U.S.C. 102(b).

Similarly, claim 11 recites a processing module and a presentation module, "the presentation module being separate from and operating independently of the processing module." For the same reasons recited above with regard to claim 9, the rejection of claim 11 is overcome. The rejection of claim 12 is overcome at least because of its dependency upon claim 11.

Thus, the final errs in maintaining the rejection

App. No. 09/862,391
Appeal Brief
Page 9

of the claims of Group I under 35 U.S.C. 102(b).

Issue 2: claims 1-3 and 6-8 (Group II) are patentable over *Bilbrey et al.* in view of *Phillips et al.*

The rejection errs in finding claims 1-3 and 6-8 obvious in view of the cited references.

M.P.E.P Section 2142 states that "[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

As stated above with regard to the rejection under section 35 U.S.C. 102(b) *Bilbrey et al.* does not teach or suggest a processing module and a presentation module, "the presentation module being separate from and operating independently of the processing module," such as is claimed by Applicant in independent claims 9 and 11. Further, for the same reasons as stated above with reference to claims 9 and 11, Applicant's submit that *Bilbrey et al.* does not teach or suggest a processing chassis and a presentation chassis, "the presentation device chassis being separate from the processing chassis," such as recited in Applicant's independent claim 1.

App. No. 09/862,391
Appeal Brief
Page 10

Therefore, because *Bilbrey et al.* does not teach or suggest all of the limitations of independent claims 1, Applicant respectfully submits that a prima facie case of obviousness under 35 U.S.C. 103(a) has not been made.

Further, claim 1 recites a processing chassis and a presentation chassis, "the presentation device chassis being separate from the processing chassis and including a dedicated power source of the presentation chassis being different from the power source of the processing chassis."

The Examiner has cited *Phillips et al.* for the proposition that it would be obvious to incorporate more than one power supply into the system of *Bilbrey et al.* The Examiner states that using separate power supplies can isolate components and reduce noise. However, there is absolutely no indication that the components in *Bilbrey et al.* would benefit from more than one power supply. As stated above, the video processing system of *Bilbrey et al.* is designed for a conventional NuBus slot of a host computer. There is no desire or need to isolate the components within this computer video processing system of *Bilbrey et al.* and absolutely no reason to have more than one power source for a video card designed for a conventional NuBus slot of a host computer. Therefore, one of skill in the art would not be motivated to modify the system of *Bilbrey et al.* with the teaching of *Phillips et al.* as there is no suggestion that such modification would be beneficial to the system of *Bilbrey et al.* Specifically, there would be no motivation to add an extra

App. No. 09/862,391
Appeal Brief
Page 11

power supply to the system of *Bilbrey et al.* for the purpose of isolating components as such problem is not present in the system of *Bilbrey et al.*

Additionally, *Phillips et al.* is a Digitally Programmable Multifunction Radio System Architecture. The cited portions of *Phillips et al.* teach that the digital and analog submodules of the receiver are preferably implemented on separate circuit boards and that have separate power supplies. The teachings of *Phillips et al.*, however, would not motivate one of ordinary skill in the art to modify a video processing system that is designed for a NuBus slot of a computer to be designed with more than one power supply. *Phillips et al.* teaches isolating a digital board from an analog board in a radio system architecture. Such teaching would not suggest to one of ordinary skill in the art to isolate the A/D block from the video system controller 22 within the system of *Bilbrey et al.* Thus, Applicant respectfully submits that there would be no motivation to combine the teachings of *Bilbrey et al.* with the teachings of *Phillips et al.* as suggested in the final office action.

In contrast, the system of claim 1 is a modular television architecture with "the presentation device chassis being separate from the processing chassis." Having separate power supplies for each chassis is advantageous for some embodiments of the modular television architecture as described throughout the originally filed specification. Specifically, for example, as recited in

App. No. 09/862,391
Appeal Brief
Page 12

the paragraph beginning at page 14, line 20 of the originally filed specification:

The presentation chassis module 14 also includes a dedicated high voltage power supply 84 that provides the necessary power to the components maintained within the module. For example, power is transmitted from the power supply 84 to the display device 100 through a pair of high voltage regulation components 85 and 98, respectively. In an exemplary embodiment, the power supply 84 provides between 5W-1kW of power to the components of the presentation chassis module 14. It is important to note that the power supply 84 of the presentation chassis module 14 is separate from and operates independently of the low voltage power supply 21 used in the processing chassis module 12. The power supply 84 of the presentation chassis module needs to be separate from the low voltage power supply 21 of the processing chassis module 12 because the presentation chassis module never knows what type of processing chassis module it is interfacing with. Thus, by providing for independence of operation, the processing and presentation chassis modules of the present invention can be interconnected in any suitable combination (emphasis added).

As described above *Bilbrey et al.* does not teach or suggest a processing chassis and a presentation chassis, "the presentation device chassis being separate from the processing chassis," such as recited in Applicant's independent claim 1. Therefore, there would be not motivation in *Bilbrey et al.* to provide separate power supplies for the system of *Bilbrey et al.* as there is only one single circuit board to provide power to. An additional power supply in *Bilbrey et al.* would provide no

App. No. 09/862,391
Appeal Brief
Page 13

advantage to the system. Therefore, Applicant respectfully submits that there is no motivation to modify *Bilbrey et al.* as suggested by the Examiner and that for this additional reason the rejection is overcome.

Thus, the final rejection errs in maintaining the rejection of the claims of Group II under 35 U.S.C. 103(a).

Issue 3: claims 5, 10 and 13 (Group III) are patentable over *Bilbrey et al.* in view of *Phillips et al.*

The rejection errs in finding claims 5, 10 and 13 obvious in view of the cited references.

For the reasons stated above under issues 1 and 2, Applicant respectfully submits that the rejection of claims 5, 10 and 13 is overcome at least because of their dependency upon allowable independent claims.

Furthermore, claims 5, 10 and 13 recited that "the processing module further includes a power source and a format converter and the presentation module further includes a power source, wherein the power source of the processing module is independent of the power source of the presentation module."

The Examiner has cited *Phillips et al.* for the proposition that it would be obvious to incorporate more than one power supply into the system of *Bilbrey et al.* The Examiner states that using separate power supplies can isolate components and reduce noise. However, there is absolutely no indication that the components in *Bilbrey et al.* would benefit from more than one power supply. As stated above, the video processing system of *Bilbrey et al.*

App. No. 09/862,391
Appeal Brief
Page 14

is designed for a conventional NuBus slot of a host computer. There is no desire or need to isolate the components within this computer video processing system of *Bilbrey et al.* and absolutely no reason to have more than one power source for a video card designed for a conventional NuBus slot of a host computer. Therefore, one of skill in the art would not be motivated to modify the system of *Bilbrey et al.* with the teaching of *Phillips et al.* as there is no suggestion that such modification would be beneficial to the system of *Bilbrey et al.*

Additionally, *Phillips et al.* is a Digitally Programmable Multifunction Radio System Architecture. The cited portions of *Phillips et al.* teach that the digital and analog submodules of the receiver are preferably implemented on separate circuit boards and that have separate power supplies. The teachings of *Phillips et al.* would not motivate one of ordinary skill in the art to modify a video processing system that is designed for a NuBus slot of a computer to be designed with more than one power supply. *Phillips et al.* teaches isolating a digital board from an analog board in a radio system architecture. This teaching would not suggest to one of ordinary skill in the art to isolate the A/D block from the video system controller 22 within the system of *Bilbrey et al.* Thus, Applicant respectfully submits that there would be no motivation to combine the teachings of *Bilbrey et al.* with the teachings of *Phillips et al.* as suggested in the final office action.

App. No. 09/862,391
Appeal Brief
Page 15

In contrast, claims 5, 10 and 13 recite "wherein the processing chassis includes a power source and the presentation chassis includes a power source, the power source of the processing chassis providing power to the processing chassis independent of the power being supplied to the presentation chassis." Having separate power supplies, for example, allows for the independent design of the processing and presentation chassis. Specifically, for example, as recited in the paragraph beginning at page 14, line 20 of the originally filed specification:

The presentation chassis module 14 also includes a dedicated high voltage power supply 84 that provides the necessary power to the components maintained within the module. For example, power is transmitted from the power supply 84 to the display device 100 through a pair of high voltage regulation components 85 and 98, respectively. In an exemplary embodiment, the power supply 84 provides between 5W-1kW of power to the components of the presentation chassis module 14. It is important to note that the power supply 84 of the presentation chassis module 14 is separate from and operates independently of the low voltage power supply 21 used in the processing chassis module 12. The power supply 84 of the presentation chassis module needs to be separate from the low voltage power supply 21 of the processing chassis module 12 because the presentation chassis module never knows what type of processing chassis module it is interfacing with. Thus, by providing for independence of operation, the processing and presentation chassis modules of the present invention can be interconnected in any suitable combination (emphasis added).

App. No. 09/862,391
Appeal Brief
Page 16

There would be not motivation in *Bilbrey et al.* to provide separate power supplies for the system of *Bilbrey et al.* as there is only a single board to provide power to. An additional power supply would provide no advantage to the system in *Bilbrey et al.* Therefore, Applicant respectfully submits that there is no motivation to modify *Bilbrey et al.* as suggested by the Examiner and that for this additional reason the rejection is overcome. Thus, the final rejection errs in maintaining the rejection of the claims of Group II under 35 U.S.C. 103(a).

Issue 4: claim 4 (Group II) is patentable over *Bilbrey et al.* in view of *Phillips et al.* and further in view of *Gray et al.*

The rejection errs in finding claim 4 obvious in view of the cited references.

For the reasons stated above under issue 2, Applicant respectfully submits that the rejection of claim 4 is overcome at least because of the dependency upon independent claim 1. Applicant further submits that *Gray et al.* does not change the analysis presented above in regard to claim 1. Therefore, the rejection errs in finding claim 4 obvious in view of the cited references.

App. No. 09/862,391
Appeal Brief
Page 17

CONCLUSION

Appellant submits that the rejection errs in the rejection of the claims of Groups I, II, and III; that the claims of Groups I are not anticipated by the cited reference and the claims of Groups II and III are not rendered obvious by the combination of the cited references.

Appellant respectfully requests a reversal of the final rejection.

Respectfully submitted,



Martin R. Bader
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App. No. 09/862,391
Appeal Brief
Page 18

(8) Appendix

Provided is a complete listing of all the pending claims involved with this appeal:

1. A digital television architecture, comprising:
a processing chassis operative to convert an analog input signal into at least a first digital signal for use in providing information to be provided to a user, the processing chassis including a dedicated power source and processing element;

a presentation chassis operative to convert audio and visual components of the at least first digital signal into a final signal for presentation on a display, the audio and visual conversion being performed in a first domain, the presentation device chassis being separate from the processing chassis and including a dedicated power source of the presentation chassis being different from the power source of the processing chassis; and

an interface operative to provide a communication path between the processing chassis and the presentation chassis.

2. The digital television of claim 1, wherein the interface includes a digital video interface.

3. The digital television of claim 1, wherein the processing chassis further includes an audio interface for

App. No. 09/862,391
Appeal Brief
Page 19

converting audio signals contained within the input signal into a digital signal.

4. The digital television of claim 3, wherein the processing chassis further includes a video interface for converting the video signal contained within the input signal to high resolution digital signal.

5. The digital television of claim 1, wherein the processing chassis includes a power source and the presentation chassis includes a power source, the power source of the processing chassis providing power to the processing chassis independent of the power being supplied to the presentation chassis.

6. The digital television of claim 1, wherein the display device is a monitor.

7. The digital television of claim 1, wherein the input signal is provided to the processing chassis by one of the following:

a terrestrial antenna, a cable connection, and a satellite connection.

8. The digital television of claim 6, wherein the monitor is a CRT.

9. A modular television architecture, comprising:

App. No. 09/862,391
Appeal Brief
Page 20

a processing module including circuitry operative to convert an input signal from a first type into at least a second type, the conversion being performed in the digital domain;

a presentation module operative to convert audio and visual information contained within the at least second signal into a final signal for presentation on a display device, the audio and visual conversation being performed in a first domain, the presentation module being separate from and operating independently of the processing module; and

an interface operative to provide a communication path between the processing module and the presentation module.

10. The modular television of claim 9, wherein the processing module further includes a power source and a format converter and the presentation module further includes a power source, wherein the power source of the processing module is independent of the power source of the presentation module.

11. A television system, comprising:

a processing module for providing signals that represent information to be provided on a suitable display device;

a presentation module including decoding and filtering elements, operative to process the signals

App. No. 09/862,391
Appeal Brief
Page 21

provided by the processing module and display the images represented thereby on the display device, the presentation module being separate from and operating independently of the processing module; and

an interface module for coupling the processing module and the presentation module together, wherein the processing and presentation modules operate independently from one another and the processing performed by the processing module is performed in the digital domain.

12. The system of claim 11, wherein the display device is a monitor.

13. The modular television of claim 11, wherein the processing module further includes a power source and a line doubler and the presentation module further includes a power source, wherein the power source of the processing module is independent of the power source of the presentation module.

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For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27

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Complete if Known

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Filing Date	May 21, 2001
First Named Inventor	James R. Milne et al.
Examiner Name	Yenke, Brian P.
Art Unit	2614
Attorney Docket No.	73510/7114

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 06-1135 Deposit Account Name: Fitch, Even, Tabin & Flannery

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25

Each independent claim over 3 (including Reissues)

200	100
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Multiple dependent claims

360	180
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Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 20 or HP = $\frac{\text{Total Claims} - 20}{\text{HP} - 20} \times \text{Fee}$

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP = $\frac{\text{Indep. Claims} - 3}{\text{HP} - 3} \times \text{Fee}$

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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- 100 = $\frac{\text{Total Sheets} - 100}{50} \times \text{Fee}$ (round up to a whole number) x**4. OTHER FEE(S)**


Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief Fee Under 41.20(b)(2)

Fees Paid (\$)

\$500.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 54,736	Telephone 858-552-1311
Name (Print/Type)	Martin R. Bader		Date January 30, 2006

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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